IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 17TH AUGUST 2006 / 26TH SRAVANA 1928

Bail Appl..No. 5048 of 2006

CMP.552/2006 of J.M.F.C.-II, CHENGANNUR
CRIME NO. 97/2006 OF CHENGANNUR EXCISE RANGE

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PETITIONER/ACCUSED:

KOSHY BABU, S/O. MAMMEN,
THOTTUKARA VEEDU, PIRALASSERI MURI,
MULAKUZHA, CHENGANNUR.

BY ADV. SRI.R.VINOD

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5048/2006

DATED THIS THE 17TH DAY OF AUGUST, 2006

O R D E R

The petitioner is accused of the offence punishable under Section 8(1) & 8(2) of the Abkari Act, in C.R.No.97/2006 of Chengannur Excise Range, as the petitioner was found in illegal possession of 1½ liters of illicit arrack on 16.6.2006. He remains in judicial custody. Hence this application, under Section 439 Cr.P.C.

2. When the application came up for consideration, the learned Public Prosecutor reported that there are number of other cases pending against the petitioner, in violation of the Abkari Act. Therefore, the bail was denied, at that stage. However, considering that the petitioner is in judicial custody from 16.6.2006 and sixty days are completed, I grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-II, Chengannur.

(b). The petitioner shall report before the Investigating Officer, once in a week on every Wednesday, between 10.00 a.m and 11.00 a.m., for a period of two months, starting from 23.8.2006.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs